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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/252,925	02/19/1999	SHINJI OHNISHI	35.C13340	5040

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NEW YORK, NY 10112

EXAMINER

NGUYEN, HANH N

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 12/18/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/252,925

Applicant(s)

OHNISHI ET AL.

Examiner

Hanh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 10/1/02.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20,26 and 36-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20,26 and 36-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 01 October 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

## DETAILED ACTION

### *Information Disclosure Statement*

The information disclosure statement (IDS) filed on 10/6/1999 which includes US pending applications have been considered by examiner.

### *Claim Objections*

Claim 39 is objected to because of the following informalities:

In line 2, "destination nodes are connected a system" is vague. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 20-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 20 and 26, it is not clear what is meant by "initial information required for an initial setting for transfer of the object data". It is suggested that Applicant explain the initial information.

Claims 36-40 and 41-45 are rejected because they depend on claims 20 and 26 respectively.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 20, 26, 36, 40, 41, 45 are rejected under 35 USC 102(e) as being anticipated by **Billock et al.** (US Pat. No. 6314575 B1).

In claims 20 and 26, **Billock et al.** discloses a processing system 22 (see Fig.2) ( a controller) provides video programs via connections 16 (logical connections) between a telecasting facility 12 ( a source node) and viewing stations 14 ( one or more destination nodes), See col.3, lines 60-65. & col.4, line 67 to col.5, line 5. The telecasting facility 12 (source node) preferably transmits video programs (object data) to the viewing stations 14 (destination node) via communication medium 16 ( logical connection). See col.4, lines 7-15. A viewer at station 14 (source node) views a particular video program (adapted to receive the object data) by tuning station 14 to the programming channel that is carrying the program of interest . See col.4, lines 17-22. The telecasting facility 12 uses ATM protocol to transmit video programs

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(Asynchronously transmitting object data). See col.6, lines 25-35. A viewer at station 14 (destination node) sends a selection program command (information required for setting for transfer of object data) to the telecasting facility 12 which telecast a program of interest on the interactive channel substantially at the time the command is transmitted ( destination node informs of initial information required for an initial setting for transfer of the object data). See col.4, lines 35-40.

In claims 36 and 41, the limitations of these claims have been addressed in claims 20.

In claims 40 and 45, **Billock et al.** discloses , in Fig.3, the video program comprising image data and audio data (object data includes image data and audio data). See Fig.3, col.7, lines 40-60.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 39 and 44 are rejected under 35 USC 103(a) as being unpatentable over **Billock et al.** (US Pat. No. 6314575 B1) in view of **Smyers** (US Pat. No. 6,191,822 B1) .

In claims 39 and 44, **Billock et al.** does not disclose the source node and the destination node are connected to the system that conforms with an IEEE1394-1995 standard. **Smyers** discloses, in Fig.3, an IEEE 1394-1995 bus couples between a TV 32 (destination node) and an

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Audio amplifier 34 (source node). See col. 4, lines 27-35. Therefore, it would have been obvious to use the IEEE 1394-1995 bus of **Smyers** in order to connect the telecasting facility 12 and TV stations 14 of **Billock et al.** The motivation of doing this to increase the transmission speed and support asynchronous transmission.

Claims 37, 38, 42 and 43 are rejected under 35 USC 103(a) as being unpatentable over **Billock et al.** (US Pat. No. 6314575 B1) in view of **Krause et al.** (US Pat. No. 5,877,812).

In claims 37, 38, 42 and 43, **Billock et al.** does not disclose the source node is adapted to divide the object data into one or more segments; and adapted to set a size of each segment according to the initial information. **Krause et al.** discloses, in Fig.3, each program stream 203 (see Fig.2A) is partitioned into multiple of segments 1-n, wherein the size of divided segments can be fixed or variable (divide the object data into one or more segments; and adapted to set a size of each segment according to the initial information). See Abstract & claim 1. Therefore, it would have been obvious to use the segmentation of the data streams into **Billock et al.** in order to reduce the congestion during data transmission.

### ***Response to Arguments***

Applicant's arguments with respect to claims 20, 26, 36-45 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fukunaga et al. (US 2001/0042142 A1) discloses Data Transmission Apparatus, System and Method, and Image Processing Apparatus.

Budow et al. (US Pat. No. 5,661,517) discloses Interactive Intelligent Video Information System.

Rostoker et al. (US Pat. No. 5,856,975) discloses High Speed Single Chip Digital Video Network Apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 703 306-5445. The examiner can normally be reached on Monday-Friday 8:30 AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703 306-4744. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9314 for regular communications and 703 308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.

Fax: (703) 872-9314

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Hanh Nguyen



December 6, 2002

KWANG BIN YAO  
PRIMARY EXAMINER

